

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

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| Nelson L. Bruce, |) | Civil Action Number: 2:18-cv-02635-BHH-MGB |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | |
| Government National Mortgage Association, |) | |
| (Ginnie Mae), Federal Reserve Bank of |) | |
| Richmond (Charlotte NC Office), U.S. Dept.) |) | |
| Of Housing and Urban Development (HUD),) |) | |
| Federal Housing Admin. (“FHA”), U.S. |) | |
| Department of the Treasury, et al., |) | |
| Defendants. |) | |

**MOTION FOR A STAY OF CURRENT DEADLINES
IN LIGHT OF LAPSE OF APPROPRIATIONS**

The United States of America hereby moves for a stay of the current deadlines in the above-captioned case.

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The Department does not know when funding will be restored by Congress.
2. Absent an appropriation, Department of Justice attorneys and employees of the DOJ are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” Title 31 U.S.C. § 1342.
3. Undersigned counsel for the Department of Justice therefore requests a stay of the current deadlines until Congress has restored appropriations to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

5. Under the local rules, consultation is not required with pro se litigants.

6. In the instant case, the Court issued summonses to the Federal Housing Administration, Federal Reserve Bank of Richmond, Government National Mortgage Association, US Department of Housing and Urban Development, U.S. Department of the Treasury, the U.S. Attorney and the U.S. Attorney General. (ECF No. 14).

7. However, based on PACER, service has only been made upon the Federal Reserve Bank of Richmond, Government National Mortgage Association and the Attorney General. (ECF Nos. 17, 18 and 21). The Clerk of Court provided notice to the U.S. Attorney for the District of South Carolina on December 28, 2018. (ECF No. 30).

8. Plaintiff has provided no evidence that the remaining defendants have been served. (*See* PACER).

9. Pursuant to Fed. R. Civ. P. 4(i)(2), to serve an agency or corporation of the United States, a party must serve the United States (under Rule 4(i)(1)) and also send a copy of the summons and complaint by registered or certified mail to the agency, corporation, officer, or employee.

10. Fed. R. Civ. P. 4(f), waiving service, does not apply to the United States or its agencies.

11. The remaining agencies that have not been served are also affected by the lapse of appropriations, so efforts to obtain permission to accept service on their behalf have been unsuccessful.

12. Therefore, the United States Attorney's Office requests that this case be stayed until the Plaintiff perfects service upon the remaining defendants, or, in the alternative, until the government is funded, the partial shutdown concludes, and the agencies are able to respond to the U.S. Attorney's Office's request to accept service.

Respectfully submitted,

SHERRI A. LYDON
UNITED STATES ATTORNEY

By: s/Barbara M. Bowens
BARBARA M. BOWENS (#4004)
Assistant United States Attorney
1441 Main Street, Suite 500
Columbia, South Carolina 29201
Telephone (803) 929-3000
Fax: (803) 252-2759
E-mail: barbara.bowens@usdoj.gov

January 14, 2019

CERTIFICATE OF SERVICE

The undersigned Assistant United States Attorney hereby certifies that she has caused service of the attached **MOTION TO STAY** by a legal assistant employed in the Office of the United States Attorney for the District of South Carolina and is a person of such age and discretion as to be competent to serve papers.

That on January 14, 2019, my legal assistant served copies of the foregoing documents by CM/ECF Electronic Mail and/or by placing said copies in a postpaid envelope addressed to the person hereinafter named, at the place and address listed below, and by depositing said envelope and contents in the United States Mail at the U.S. Attorney's Office, 1441 Main Street, Suite 500, Columbia, SC 29201.

Nelson L. Bruce
c/o PMB
1605 Central Avenue
Suite 6 #167
Summerville, SC 29483

s/Barbara M. Bowens
BARBARA M. BOWENS (#4004)
Assistant United States Attorney